

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

OTIS RAY DAVIS, §
Petitioner, §
§
VS. § CIVIL ACTION NO. 4:05-CV-398-Y
§
DOUGLAS DRETKE, DIRECTOR, §
T.D.C.J., Correctional §
Institutions DIV., §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Otis Ray Davis under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

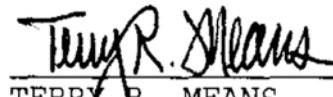
1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on September 19, 2005; and
3. The Petitioner's written objections to the proposed findings, conclusions and recommendation of the United States magistrate judge filed on October 13, 2005.

The Court, after de novo review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be dismissed with prejudice as time-barred under 28 U.S.C. § 2244, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Davis's Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE.

SIGNED October 19, 2005.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE